

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

PRISCILLA STERLING, ON BEHALF OF
EMMETT LOUIS TILL

PLAINTIFF

VERSUS

CIVIL CAUSE NO. 4:23-cv-00028-SA-SAS

SHERIFF RICKY BANKS IN HIS
INDIVIDUAL CAPACITY AND OFFICIAL
CAPACITY AS THE CHIEF LAW
ENFORCEMENT OFFICER OF LEFLORE
COUNTY, MISSISSIPPI

DEFENDANT

MOTION TO DISMISS

COMES NOW, Defendant, Ricky Banks in his individual and official capacity as the Chief Law Enforcement Officer of Leflore County, Mississippi, (“Banks”), by counsel, and for the reasons stated in his separately filed Memorandum in Support of Motion to Dismiss, respectfully moves this Court, pursuant to Rule 12 of the Federal Rules of Civil Procedure, to dismiss this cause against him with prejudice because the Complaint fails to state a claim upon which relief can be granted and because Plaintiff lacks standing to bring said Complaint.

RESERVATION OF DEFENSES

Banks hereby reserves his right to assert other affirmative defenses including, but not limited to, insufficient service or process, insufficient process and those listed under Rule 8(c)(1) of the Federal Rules of Civil Procedure.

EXHIBITS

In support of Banks’ Motion, attached are the following exhibits which are public record:

- A. 1955 Arrest Warrant;
- B. 2022 Leflore County, Mississippi, Grand Jury No Bill list;
- C. 1955 Affidavit of John J. Fraiser, Jr.;
- D. 1955 Arrest Warrant return; and
- E. Response to Petition for Writ of Mandamus filed by W. Dewayne Richardson in *Deborah Watts and Terri Watts v. W. Dewayne Richardson and Fredrick “Ricky” Banks*, Circuit Court of Leflore County, Mississippi, Cause No.: 2022-0041-CICI.

RESPECTFULLY SUBMITTED, this the 13th day of April, 2023.

SHERIFF RICKY BANKS IN HIS INDIVIDUAL
CAPACITY AND OFFICIAL CAPACITY
AS THE CHIEF LAW ENFORCEMENT
OFFICER OF LEFLORE COUNTY, MISSISSIPPI

BY: /s/ Charles J. Swayze, Jr.
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CERTIFICATE OF SERVICE

I, Charles J. Swayze Jr., attorney for Defendant Ricky Banks, hereby certify that on this day I electronically filed the foregoing Motion to Dismiss with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Trent Walker, Esq.
5255 Keele Street, Suite A
Jackson, MS 39206

Malik Shabazz, Esq.
6305 Ivy Lane, Suite 608
Greenbelt, MD 20770

This the 13th day of April, 2023.

/s/ Charles J. Swayze, Jr.
CHARLES J. SWAYZE, JR.